

VOTELESS D. C. LEAGUE OF WOMEN VOTERS.

SURVEY OF THE LEGAL STATUS OF WOMEN IN THE DISTRICT OF COLUMBIA.

Judged by the whole body of laws relating to the legal status of women in the District of Columbia, it may be said in general that the content of laws is very liberal. In fact, some laws, in the opinion of equal justice to all, lean too far to the side of special privilege for women.

Taking up the items upon the League program of work, a brief resume of the content and administration of laws will be found to stand as follows:

1. The content of laws which affect women in the exercise of private rights:
  - a. Age of majority. No specific statute. A girl may marry at 18 without parents' consent.
  - b. Acting capacity. A woman has every right of suing and being sued, making a will, acting as guardian, etc., that a man has. Marriage does not interfere with any of these rights, which obtain to her after marriage exactly as if she were single.
  - c. Contract rights. A woman may conduct a business, enter into contracts, and the like, entirely upon her own right, either before or after marriage. If married, a "husband is not liable upon any contract made by his wife on her own name and upon her own responsibility, nor for any tort committed separately by her." The husband is, however, liable for debts, contracts, and engagements entered into by her as his wife, or as his agent; and also for necessities for herself and children, as under common law.
  - d. Property rights. Here again a woman has every right that a man has, and a married woman the same rights as if she were not married. Furthermore, a married woman can convey real estate (as well as personal property) without her husband's consent, but her husband has not the same right. In other words, a wife cannot be deprived of her dower rights, but the husband has no similar rights in his wife's property.

In addition, a woman's own property, real, personal or mixed, acquired either before or after marriage, cannot be held for husband's debts, nor can any insurance on the life of the husband, payable to her, be claimed by representatives or creditors of the husband.
- e. Liability and immunity in criminal procedure. At one time the law held ~~here~~ that a crime committed by a woman in her husband's presence was his responsibility. This law is no longer valid.
2. The content of laws affecting the rights of husband and wife and the interests of the family:
  - a. Marriage laws. Girls may marry with parents' consent at 14 and boys at 16. Without consent of parent or guardian, girls may marry at 18, boys at 21. There is no medical examination required, nor a period of waiting. A marriage license is required and a person properly authorized must perform the marriage ceremony.



- b. Domicile. A woman may have separate domicile from her husband only in case of a legal separation when the latter is for good causes.
- c. Rights in regard to the children of the marriage. In case of separation the children are presumed to belong with the mother until their care and custody is determined by the court, which may be done while proceedings are pending, or at the time the case is decided. While the preference seems in such cases that care and custody of children should be the right of the mother, in all cases of a question of guardianship of the estate, the preference is for the father. The specific statute regulating guardianship of children stands as follows:

Chapter 3.-- GUARDIAN AND WARD.

Section 31. Natural guardians. -- The father and mother shall be the natural guardians of the person of their minor children. If either dies or is incapable of acting, the natural guardianship of the person shall devolve upon the other. (Mar.3.,1901, 31 Stat. 1369, c 854, sec. 1123.)

Section 32, Testamentary guardians. -- Every father or mother whether of full age or not, when the other parent does not survive, may, by last will and testament, appoint a guardian of the person to have the care, custody, and tuition of his or her infant child.

This grants equality in guardianship, but the law has been administered in the manner described above.

- d. Causes of divorce. There is only one <sup>ground</sup> cause for divorce in the District of Columbia: adultery. Only the innocent party may remarry with a different spouse. Legal separation may be granted for drunkenness, habitual cruelty or desertion.

- e. Rights and obligations in the event of termination of the marriage. A husband may be required by court to pay for the wife's and minor children's support while a case for divorce or annulment is pending, and he must also furnish suit money and counsel fees to enable her to conduct her case whether she be defendant or plaintiff.

A wife loses her dower right in her husband's estate upon termination of the marriage, but the court, if it sees fit, may retain to her this dower right. Even when the divorce is granted in favor of the husband, the court may nevertheless require him to pay alimony to the wife, "if ~~it~~ shall seem just and proper."

- f. Right of each to testify in actions where the other spouse is a party. Either can testify but it is not compulsory.

The District of Columbia has permissive jury service for women. There are no general exempted classes in the section of the law relating to women, the non-compulsory clause being the limitation.

As for participation in party management, women are accorded places on the District's quota of delegates to the Republican and Democratic National conventions. These coveted places are always well "sowed up" ahead of the "election" --a drama wherein citizens of the District are allowed to "vote" for these dele-



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gates by placing a cross in one square at the top of a ballot containing the names of all who desire to "represent" the people of the District as delegates, such desire having been exhibited by paying into the party coffers the very large filing fee required. Representing the District is, curiously enough, permitted to residents who retain a vote in other states. There were two women at the 1932 Democratic Convention, out of 12 delegates and 6 alternates from the District. No woman represented the District at the Republican National Convention.

In the exercise of public rights, woman judges are holding and have held office in the District of Columbia and likewise the office of District Attorney is frequently held by women. In that small band of arbiters of the District's destiny the three Commissioners appointed by the President, ~~no~~ woman *only* has ~~ever~~ held a place. *Miss Mabel Boardman was appointed by President Wilson and served from Sept 25, 1920 to March 4, 1921*

In that vital question at the immediate moment, that of the right of a married woman to hold a position, the District of Columbia has made no discriminations whatever previous to June, 1932. In all municipal positions and the public schools women have been allowed to marry and hold their positions; married women not previously employed could obtain positions; and married women teachers have been freely granted maternity leave without jeopardizing their positions.

Due to the fact that the District of Columbia is a branch of the Federal Government, upon the passage of the Economy Act, effective July 1, 1932, all married women, whether employed in the schools or other divisions of the municipal government, became subject to Section 213. This section provided that, wherever dismissals should be necessary, the latter should apply to married persons whose spouses are employed by either the Federal or District governments. This section fortunately has so far not been made generally operative, because of President's Hoover's recommendations for "leniency in the harsher provisions" of the law, and for the use of "administrative furloughs" instead of dismissals.

Prepared by Elizabeth Smith Friedman, Chairman.  
Committee on the Legal Status of Women.

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